

IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.606 of 2006
NASEER KAMAL
Versus
STATE OF BIHAR & ORS

4 31.7.2008 Heard learned counsel for both parties.

This application has been filed to set aside the order dated 31.5.2006 passed by the Principal Judge, Family Court, Darbhanga in Maintenance Case No. (MR) 216/2003 whereby the court below has directed the petitioner to pay Rs.2000/- as interim maintenance along with lump sum amount of Rs.5000/- towards cost of litigation.

It is submitted by the learned counsel for the petitioner that the petitioner is unemployed man having no personal income. He is unable to make payment of Rs.2000/- per month as interim maintenance to opposite party no.2. On the other hand, learned counsel for opposite party no.2 submitted that the petitioner has sufficient means to pay the interim maintenance of Rs.2000/- per month.

Considered the submission of learned counsel for both parties as also the order in question.

Having regard to the facts and circumstances of the case as well as the capacity of the petitioner, the amount of interim maintenance as awarded by the court below is hereby reduced to Rs.1500/- per month from Rs.2000/- per month. The petitioner is directed to pay Rs.1500/- per month in total to opposite party no.2 and her two children. However, I am not inclined to interfere in the amount allowed by the court below towards the cost of litigation.

With the aforesaid observation this application stands rejected.

B.Jha

(Ghanshyam Prasad)

